

**CITY OF SNOHOMISH  
Snohomish, Washington**

**ORDINANCE 2413**

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON,  
AMENDING SMC 14.290.120 “TIME OF PERFORMANCE FOR  
MITIGATION OF IMPACT”; AND PROVIDING FOR SEVERABILITY  
AND AN EFFECTIVE DATE**

**WHEREAS**, Snohomish Municipal Code 14.290.120 attempts to designate the time for performance for payment of school impact fees; and

**WHEREAS**, SMC 14.290.120 creates some ambiguity regarding when School Impact fees are calculated; and

**WHEREAS**, the City Council desires to update the language to ensure clarity and consistency for applicants;

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF SNOHOMISH,  
WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1.**     **SMC 14.290.120 Time of Performance for Mitigation of Impact amended.** SMC 14.290.120 Time of Performance for Mitigation of Impact is hereby amended as follows:

- A.** Payment of any required school impact fees or in-kind contribution shall be made prior to the issuance of a building permit unless the project proponent elects to defer payment utilizing the process outlined in 14.290.125. The fee shall be calculated based on the impact fee schedule in effect at the time the building permit is issued unless otherwise required pursuant to 14.290.125.
- B.** A project proponent may elect to pay before the final plat is approved for the lots within a subdivision or residential development. The impact fees shall be calculated based on the impact fee schedule in effect at the time of the election to pay. Such election to pay shall be noted on the face of the Final Plat or by a covenant placed on the deed for each affected lot within the subdivision or residential development. When a subdivision or residential development is conditioned upon the performance of a comparable in-kind mitigation, a final plat shall not be recorded, and no building permit for any individual lot shall be issued until the School District indicates in writing to the City that such in-kind mitigation has been satisfactorily completed.

**Section 2.**     **Severability.** If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or

constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

**Section 3.**     **Authority to make necessary corrections.** The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance and attachments including, but not limited to, the correction of scrivener's clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 4.**     **Effective date.** This Ordinance shall be effective five days after adoption and publication by summary.

**ADOPTED** by the City Council and **APPROVED** by the Mayor this 16th day of March, 2021.

CITY OF SNOHOMISH

By John T. Kartak  
John T. Kartak, Mayor

ATTEST:

APPROVED AS TO FORM:

By Brandi Whitson  
Brandi Whitson, Deputy City Clerk

By Grant Weed  
Grant Weed, City Attorney

Date of Publication: March 20, 2021

Effective Date (5 days after publication): March 25, 2021